

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

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In re:	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	:	Case No. 08-35653-KRH
	:	
	:	Jointly Administered
Debtors.	:	
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**RESPONSE OF BRIGHTON COMMERCIAL LLC TO  
DEBTORS' FORTY-SECOND OMNIBUS OBJECTION TO  
CLAIMS (DISALLOWANCE OF CERTAIN AMENDED CLAIMS)**

Brighton Commercial LLC ("Brighton"), submits this response in opposition to the Debtors' Forty Second Omnibus Objection to Claims ("Disallowance of Certain Amended Claims") (the "Objection"), which includes an objection to the proof of claim filed by Brighton in this case on January 30, 2009 (Claim No. 9477). In support of its response Brighton states the following:

1. Claim No. 9477 includes pre-petition obligations of the Debtors due and payable notwithstanding whether the lease between Brighton and Debtor Circuit City Stores, Inc. (the "Lease"), was rejected. Claim No. 9477 was filed before the Lease was rejected.

2. Claim No. 12493, filed April 27, 2009, represents Brighton's claim for rejection damages with respect to the Lease, which was rejected effective February 23, 2009. Brighton

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admits that Claim No. 12493 should be reduced by \$48,609.47. \$29,356.92 of such reduction represents “stub rent” for November 10-30, 2009, which subsequently was paid, and \$12,641.18 of the remaining amount should be subtracted from Claim No. 12493 and added to Claim No. 9477. In addition, \$14,578.92 claimed in Claim No. 12493 is duplicative of Brighton’s Administrative Expense Claim filed June 30, 2009. Accordingly, the correct amount of Claim No. 9477 is \$58,490.69, and the correct amount of Claim No. 12493 is \$951,176.58.

3. Brighton also objects to the Debtors’ attempt to reserve the right to assert further objections to Claims Nos. 9477 and 12493 in the future. All objections to these claims should be adjudicated and resolved at the same time.

WHEREFORE, Brighton prays that the Objection be overruled and that the Court find that Brighton’s Claim No. 9477 is a valid claim in the amount of \$58,490.69, and its Claim No. 12493 is a valid claim in the amount of \$951,176.58 and that its proofs of claim be allowed in such amounts.

Dated: October 26, 2009

BRIGHTON COMMERCIAL LLC

By: /s/ Augustus C. Epps, Jr.  
Augustus C. Epps, Jr., counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26rd day of October, 2009, I caused a copy of the foregoing to be served via electronic means to the parties on the Court's CM/ECF system.

/s/ Augustus C. Epps, Jr.  
Augustus C. Epps, Jr.

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